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**State:** District of Columbia **Filing Company:** National Council on Compensation Insurance Inc  
**TOI/Sub-TOI:** 16.0 Workers Compensation/16.0004 Standard WC  
**Product Name:** B-1441 Revisions to NCCI Manual Rules Related to the COVID-19 (Coronavirus) Pandemic  
**Project Name/Number:** /

## Filing at a Glance

Company: National Council on Compensation Insurance Inc  
Product Name: B-1441 Revisions to NCCI Manual Rules Related to the COVID-19 (Coronavirus) Pandemic  
State: District of Columbia  
TOI: 16.0 Workers Compensation  
Sub-TOI: 16.0004 Standard WC  
Filing Type: Rate/Rule  
Date Submitted: 04/21/2020  
SERFF Tr Num: NCCI-132346711  
SERFF Status: Closed-APPROVED  
State Tr Num:  
State Status:  
Co Tr Num: B-1441  
  
Effective Date: 03/01/2020  
Requested (New):  
Effective Date: 03/01/2020  
Requested (Renewal):  
Author(s): Lesley O'Brien, Frank Gnolfo, Kevin Ott, Whitney Quailey  
Reviewer(s):  
Disposition Date: 04/28/2020  
Disposition Status: APPROVED  
Effective Date (New):  
Effective Date (Renewal):

**State:** District of Columbia  
**TOI/Sub-TOI:** 16.0 Workers Compensation/16.0004 Standard WC  
**Product Name:** B-1441 Revisions to NCCI Manual Rules Related to the COVID-19 (Coronavirus) Pandemic  
**Project Name/Number:** /

**Filing Company:** National Council on Compensation Insurance Inc

## General Information

Project Name: Status of Filing in Domicile:  
Project Number: Domicile Status Comments:  
Reference Organization: Reference Number:  
Reference Title: Advisory Org. Circular:  
Filing Status Changed: 04/28/2020  
State Status Changed: Deemer Date:  
Created By: Frank Gnolfo Submitted By: Frank Gnolfo  
Corresponding Filing Tracking Number:

### Filing Description:

This item revises and establishes rules related to:

- Definitions, treatment, and reporting of payments by an employer to paid furloughed employees as a result of federal, state, and/or local emergency orders, laws or regulations, issued due to the COVID-19 (coronavirus) pandemic which impact an employer's staffing or business operations
- Any claims attributable to paid furloughed employees
- Reporting final premium for employers affected by the COVID-19 pandemic

### NOTE:

NCCI has received numerous requests from regulators and other stakeholders to submit the Item B-1441—Revisions to NCCI Manual Rules Related to the COVID-19 (Coronavirus) Pandemic filing as soon as possible. To not unduly delay the filing, NCCI seeks a waiver from the requirements to include two attachments: (1) side-by-side document that details the current rules versus the rules proposed in the filing, and (2) the clean copy pages that show how the content will look when it is published. NCCI estimates that it would take approximately another two weeks to complete and submit the filing with these two attachments for each state.

NCCI consulted with the NAIC SERFF staff on whether SERFF would accept a filing package without the two documents included. The staff indicated that the filing could be sent through SERFF even if the two attachments are not included. Therefore, NCCI seeks a waiver from the requirements to include the two attachments – side-by-side comparison and clean copy pages – and requests your review and approval of this filing as submitted.

## Company and Contact

### Filing Contact Information

Tim Tucker, Washington Affairs Executive tim\_tucker@ncci.com  
901 Peninsula Corp Circle 202-403-8526 [Phone]  
Boca Raton, FL 33487 561-893-5217 [FAX]

### Filing Company Information

National Council on Compensation Insurance Inc	CoCode:	State of Domicile: Florida
901 Peninsula Corporate Circle	Group Code:	Company Type:
Boca Raton, FL 33487	Group Name:	State ID Number:
(561) 893-3186 ext. [Phone]	FEIN Number: 65-0439698	

## Filing Fees

**State:** District of Columbia**Filing Company:** National Council on Compensation Insurance Inc**TOI/Sub-TOI:** 16.0 Workers Compensation/16.0004 Standard WC**Product Name:** B-1441 Revisions to NCCI Manual Rules Related to the COVID-19 (Coronavirus) Pandemic**Project Name/Number:** /

Fee Required? No

Retaliatory? No

Fee Explanation:

State:	District of Columbia	Filing Company:	National Council on Compensation Insurance Inc
TOI/Sub-TOI:	16.0 Workers Compensation/16.0004 Standard WC		
Product Name:	B-1441 Revisions to NCCI Manual Rules Related to the COVID-19 (Coronavirus) Pandemic		
Project Name/Number:	/		

## Correspondence Summary

### Dispositions

Status	Created By	Created On	Date Submitted
APPROVED	Robert Nkojo	04/28/2020	04/28/2020

### Filing Notes

Subject	Note Type	Created By	Created On	Date Submitted
NOTE:	Note To Reviewer	Frank Gnolfo	04/21/2020	04/21/2020

State:	District of Columbia	Filing Company:	National Council on Compensation Insurance Inc
TOI/Sub-TOI:	16.0 Workers Compensation/16.0004 Standard WC		
Product Name:	B-1441 Revisions to NCCI Manual Rules Related to the COVID-19 (Coronavirus) Pandemic		
Project Name/Number:	/		

## Disposition

Disposition Date: 04/28/2020

Effective Date (New):

Effective Date (Renewal):

Status: APPROVED

Comment:

Rate data does NOT apply to filing.

Schedule	Schedule Item	Schedule Item Status	Public Access
Supporting Document	Consulting Authorization		Yes
Supporting Document	Actuarial Certification (P&C)		Yes
Supporting Document	District of Columbia and Countrywide Experience for the Last 5 Years (P&C)		Yes
Supporting Document	District of Columbia and Countrywide Loss Ratio Analysis (P&C)		Yes
Supporting Document	B-1441 Filing Memo		Yes
Rate	Exhibit 1		Yes
Rate	Exhibit 2		Yes
Rate	Exhibit 3		Yes
Rate	Exhibit 4		Yes
Rate	Exhibit 5		Yes
Rate	Exhibit 6		Yes
Rate	Exhibit 7		Yes

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<b>State:</b>	District of Columbia	<b>Filing Company:</b>	National Council on Compensation Insurance Inc
<b>TOI/Sub-TOI:</b>	16.0 Workers Compensation/16.0004 Standard WC		
<b>Product Name:</b>	B-1441 Revisions to NCCI Manual Rules Related to the COVID-19 (Coronavirus) Pandemic		
<b>Project Name/Number:</b>	/		

## Note To Reviewer

**Created By:**

Frank Gnolfo on 04/21/2020 04:26 PM

**Last Edited By:**

Frank Gnolfo

**Submitted On:**

04/21/2020 07:38 PM

**Subject:**

NOTE:

**Comments:**

NCCI has received numerous requests from regulators and other stakeholders to submit the Item B-1441—Revisions to NCCI Manual Rules Related to the COVID-19 (Coronavirus) Pandemic filing as soon as possible. To not unduly delay the filing, NCCI seeks a waiver from the requirements to include two attachments: (1) side-by-side document that details the current rules versus the rules proposed in the filing, and (2) the clean copy pages that show how the content will look when it is published. NCCI estimates that it would take approximately another two weeks to complete and submit the filing with these two attachments for each state.

NCCI consulted with the NAIC SERFF staff on whether SERFF would accept a filing package without the two documents included. The staff indicated that the filing could be sent through SERFF even if the two attachments are not included. Therefore, NCCI seeks a waiver from the requirements to include the two attachments – side-by-side comparison and clean copy pages – and requests your review and approval of this filing as submitted.

<b>SERFF Tracking #:</b>	NCCI-132346711	<b>State Tracking #:</b>		<b>Company Tracking #:</b>	B-1441
<hr/>					
<b>State:</b>	District of Columbia	<b>Filing Company:</b>	National Council on Compensation Insurance Inc		
<b>TOI/Sub-TOI:</b>	16.0 Workers Compensation/16.0004 Standard WC				
<b>Product Name:</b>	B-1441 Revisions to NCCI Manual Rules Related to the COVID-19 (Coronavirus) Pandemic				
<b>Project Name/Number:</b>	/				

## Rate Information

Rate data does NOT apply to filing.

State:	District of Columbia	Filing Company:	National Council on Compensation Insurance Inc
TOI/Sub-TOI:	16.0 Workers Compensation/16.0004 Standard WC		
Product Name:	B-1441 Revisions to NCCI Manual Rules Related to the COVID-19 (Coronavirus) Pandemic		
Project Name/Number:	/		

## Rate/Rule Schedule

Item No.	Schedule Item Status	Exhibit Name	Rule # or Page #	Rate Action	Previous State Filing Number	Attachments
1		Exhibit 1	Rule 2-B-2	New		B-1441 Exh 1.pdf
2		Exhibit 2	Rule 2-F-1	Replacement	B-1373	B-1441 Exh 2.pdf
3		Exhibit 3	Rule 2-F-3	New		B-1441 Exh 3.pdf
4		Exhibit 4	Stat Plan Part 3-F-2-d	New		B-1441 Exh 4.pdf
5		Exhibit 5	Stat Plan Part 3-F-3-c	Replacement	U-1400	B-1441 Exh 5.pdf
6		Exhibit 6	Stat Plan Part 4-E-1-f(2)(d)	New		B-1441 Exh 6.pdf
7		Exhibit 7	Stat Plan Code 0012 in Part	New		B-1441 Exh 7.pdf



ITEM B-1441—REVISIONS TO NCCI MANUAL RULES RELATED TO THE COVID-19  
(CORONAVIRUS) PANDEMIC

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EXHIBIT 1  
BASIC MANUAL—2001 EDITION  
RULE 2—PREMIUM BASIS AND PAYROLL ALLOCATION  
B. PAYROLL

(Applies in: AK, AL, AR, AZ, CO, CT, DC, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WV)

(Exhibit comment: All current state exceptions will continue to apply unless otherwise noted in the state-specific exhibits)

**2. Excludes:**

- a. Tips or other gratuities received by employees.
- b. Payments by an employer to group insurance or group pension plans for employees, other than those covered by Rule 2-B-1-f and Rule 2-B-1-m.
- c. Payments by an employer into third-party trusts for the Davis-Bacon Act or a similar prevailing wage law provided the pension trust is qualified under IRC Sections 401(a) and 501(a).
- d. The value of special rewards for individual invention or discovery.
- e. Dismissal or severance payments except for time worked or vacation accrued.
- f. Payments for active military duty.
- g. Employee discounts on goods purchased from the employee's employer.
- h. Expense reimbursements to employees if the employer's records confirm that the expense was incurred as a valid business expense.

Reimbursed expenses and flat expense allowances paid to employees may be excluded from the audit only if all three of the following conditions are met:

- (1) The expenses or allowances are incurred for the business of the employer
- (2) The amount of each employee's expense or allowance is shown separately in the records of the employer
- (3) The amount of the expense or allowance approximates the actual expense incurred by the employee in the conduct of their work

*Refer to NCCI's **User's Guide** for an example.*

**Note:** If an employer did not maintain verifiable receipts for incurred expenses for an employee that was away from home overnight on the business of an employer a maximum expense allowance is permitted to be excluded. *Refer to Rule 2-B-1-p Exception for the maximum employee expense allowance.*

Allowable travel expenses permitted by any contract with a federal, state, or local government entity, including, but not limited to, a city, borough, or village, are excluded from payroll. In lieu of verifiable receipts for incurred expenses, the employer must produce a copy of the contract provision permitting the travel expenses at audit. The allowable travel expenses must be in addition to the current wage of the employee.

- i. Meal money for late work.
- j. Work uniform allowances.
- k. Sick pay paid to an employee by a third party such as an employer's group insurance carrier that is paying disability income benefits to a disabled employee.
- l. Employer-provided perks such as:
  - Use of company-provided automobiles
  - Airplane flights
  - Incentive vacations (e.g., contest winners)

ITEM B-1441—REVISIONS TO NCCI MANUAL RULES RELATED TO THE COVID-19  
(CORONAVIRUS) PANDEMIC

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EXHIBIT 1 (CONT'D)  
BASIC MANUAL—2001 EDITION  
RULE 2—PREMIUM BASIS AND PAYROLL ALLOCATION  
B. PAYROLL

(Applies in: AK, AL, AR, AZ, CO, CT, DC, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WV)

(Exhibit comment: All current state exceptions will continue to apply unless otherwise noted in the state-specific exhibits)

- Discounts on property or services
  - Club memberships
  - Tickets to entertainment events
  - Educational assistance
  - Relocation and moving expenses
- m. Employer contributions to employee benefit plans such as:
- Employee savings plans
  - Retirement plans
  - Cafeteria plans (IRC 125)
  - Health savings accounts
  - Flexible spending accounts
- These include contributions made by the employer, at the employer's expense, which are determined by the amount contributed by the employee.
- n. Payments made by an employer or any public governmental entity to paid furloughed employees as a result of federal, state, and/or local emergency orders, laws or regulations, issued due to the COVID-19 (coronavirus) pandemic which impact an employer's staffing or business operations. However, any appropriated funds or loans received by an employer as authorized by any law or regulation, or public governmental entity, that are used by an employer specifically to retain or hire working employees are not excluded.
- Refer to Rule 2-F-3 for the definitions of paid furloughed employees and payments to paid furloughed employees.
- This Rule 2-B-2-n is effective March 1, 2020. The expiration date of this rule will be December 31, 2020, which may be amended to an earlier or later date as circumstances warrant in consultation with state regulatory authorities. This rule will be removed from the **Basic Manual** automatically, upon the applicable expiration date.

ITEM B-1441—REVISIONS TO NCCI MANUAL RULES RELATED TO THE COVID-19  
(CORONAVIRUS) PANDEMIC

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EXHIBIT 2  
BASIC MANUAL—2001 EDITION  
RULE 2—PREMIUM BASIS AND PAYROLL ALLOCATION  
F. WAGES FOR TIME NOT WORKED

(Applies in: AK, AL, AR, AZ, CO, CT, DC, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WV)

1. Idle Time

Idle time is downtime that occurs when employees are not working and the employer pays the employees for the time not worked.

~~Some employers pay employees for time not worked.~~ All wages paid to the employee for such idle time must be included in payroll. ~~These wages paid during this time~~ are assigned to the classification for work normally performed by the employee under the following circumstances:

- Suspension or delay of work due to weather conditions
- Delays while waiting for materials
- Delays while waiting for another party to complete certain work
- Delays arising from breakdown in equipment
- “Stand-by” time where employees such as operators of cranes, hoists or other equipment are on the job, but their active services are not required continuously
- Special union requirements or agreements between employer and employees calling for pay for idle time under specific circumstances
- Inability of non-striking employees to perform normal duties due to other employees who are on strike. If non-striking employees perform absolutely no work for their employer and are not present at their employer’s premises or job sites during a strike period, their payroll must be assigned to Code 8810—Clerical Office Employees, provided adequate records are maintained by the employer.
- All other causes of a similar nature

For purposes of this Rule 2-F-1, idle time does not include “paid furloughed employees” or “payments to paid furloughed employees” as provided in **Basic Manual** Rule 2-F-3. The expiration date of this paragraph will be December 31, 2020, which may be amended to an earlier or later date as circumstances warrant in consultation with state regulatory authorities. This paragraph in this Rule 2-F-1 will be removed from the **Basic Manual** automatically, upon the applicable expiration date.

*Refer to **User’s Guide** for an example.*

*Refer to Rule 2-F-2 for the treatment of idle time by construction, erection or stevedoring risks.*

ITEM B-1441—REVISIONS TO NCCI MANUAL RULES RELATED TO THE COVID-19  
(CORONAVIRUS) PANDEMIC

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EXHIBIT 3  
BASIC MANUAL—2001 EDITION  
RULE 2—PREMIUM BASIS AND PAYROLL ALLOCATION  
F. WAGES FOR TIME NOT WORKED

(Applies in: AK, AL, AR, AZ, CO, CT, DC, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WV)

3. **Payments to Paid Furloughed Employees During Federal, State, and/or Local Emergency Orders, Laws, or Regulations Issued Due to the COVID-19 (Coronavirus) Pandemic**

For purposes of this Rule 2-F-3, "paid furloughed employees" and "payments to paid furloughed employees" are defined within this rule. "Paid furloughed employees" means employees who continue to receive payments during a temporary layoff or an involuntary leave and are not performing any work duties for an employer.

"Payments to paid furloughed employees" means payments made by an employer or any public governmental entity to paid furloughed employees as a result of federal, state, and/or local emergency orders, laws or regulations, issued due to the COVID-19 (coronavirus) pandemic which impact an employer's staffing or business operations. Such payments do not include any appropriated funds or loans received by an employer as authorized by any law or regulation, or public governmental entity, that are used by an employer specifically to retain or hire working employees.

Payments to paid furloughed employees must be assigned to Code 0012, in accordance with the **Statistical Plan**. Payments to paid furloughed employees made in accordance with this Rule 2-F-3 are excluded from the premium and experience rating calculations only if the employer keeps separate, accurate, and verifiable records. If separate, accurate, and verifiable records are not maintained, payroll is assigned to the classification for work normally performed by the employee prior to any emergency orders, laws, or regulations issued due to the COVID-19 (coronavirus) pandemic.

If an employee is requested to perform any duties for an employer, the employee is not deemed a paid furloughed employee for any period of time they are performing duties for the employer. If the employee is not deemed a paid furloughed employee, payroll must be assigned to the classification applicable to the work being performed in accordance with **Basic Manual** Rule 1-A.

This Rule 2-F-3 is effective March 1, 2020. The expiration date of this rule will be December 31, 2020, which may be amended to an earlier or later date as circumstances warrant in consultation with state regulatory authorities. This rule will be removed from the **Basic Manual** automatically, upon the applicable expiration date.

ITEM B-1441—REVISIONS TO NCCI MANUAL RULES RELATED TO THE COVID-19  
(CORONAVIRUS) PANDEMIC

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EXHIBIT 4  
STATISTICAL PLAN—2008 EDITION  
PART 3—EXPOSURE INFORMATION  
F. EXPOSURE AMOUNT

2. Nonpayroll Exposure

(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WV)

d. **Paid Furloughed Employees**

Paid furloughed employees means employees who continue to receive payments during a temporary layoff or an involuntary leave and are not performing any work duties for an employer. Effective March 1, 2020, payments by an employer or any public governmental entity to paid furloughed employees as a result of federal, state, and/or local emergency orders, laws or regulations, issued due to the COVID-19 (coronavirus) pandemic which impact an employer's staffing or business operations must be reported to Statistical Code 0012—Paid Furloughed Employees. Such payments do not include any appropriated funds or loans received by an employer as authorized by any law or regulation, or public governmental entity, that are used by an employer specifically to retain or hire working employees.

The expiration date of this code will be December 31, 2020, which may be amended to an earlier or later date as circumstances warrant in consultation with state regulatory authorities.

Code 0012 may be used as a Statistical Code to report the payments only; or it may be used as a Classification Code to report the payments with a zero rate and zero premium.

Payments reported to Code 0012 are excluded from premium and experience rating calculations only if the employer keeps separate, accurate, and verifiable records.

**ITEM B-1441—REVISIONS TO NCCI MANUAL RULES RELATED TO THE COVID-19  
(CORONAVIRUS) PANDEMIC**

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**EXHIBIT 5  
STATISTICAL PLAN—2008 EDITION  
PART 3—EXPOSURE INFORMATION  
F. EXPOSURE AMOUNT**

(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WV)

**3. Final or Estimated Premium****a. Audited or Estimated Exposure**

When the exposure reported on the 1st report corresponds to the final premium amount by class code, report as follows:

- The exposure and class code(s) corresponding to the final premium
- “N” for the Estimated Audit Code—Policy Conditions

When the exposure reported on the 1st report is based on estimated exposure, report as follows:

- The estimated exposure and class code(s) corresponding to the estimated premium
- “Y” for the Estimated Audit Code—Policy Conditions

When the exposure reported on the 1st report was based on estimated exposure and subsequently the final premium is determined, a correction to the 1st report must be reported as follows:

- The exposure and class code(s) corresponding to the final premium
- “N” for the Estimated Audit Code—Policy Conditions

**b. Audit Noncompliance Charge**

When the exposure reported on the 1st report includes Statistical Code 9757—Audit Noncompliance Charge, report the Estimated Audit Code as an “N” in the applicable Policy Condition Indicator field.

If subsequent to reporting Statistical Code 9757, and the final policy premium is determined in accordance with NCCI’s *Basic Manual* rules, the statistical code and its accompanying charge must be removed. Additionally, the Estimated Audit Code must continue to be reported as “N,” and the exposure and premium must reflect the final audit. Refer to Part 5, Item A-1 for correction reports.

**c. COVID-19**

If final premium based on audited exposure cannot be reported due to federal, state, and/or local emergency orders, laws, or regulations issued due to the COVID-19 (coronavirus) pandemic which impact an employer’s staffing or business operations, report the applicable exposure and premium in the class code(s) and the Estimated Audit Code as an “N.”

This rule is effective March 1, 2020. The expiration date of this rule will be December 31, 2020, which may be amended to an earlier or later date as circumstances warrant in consultation with state regulatory authorities.

ITEM B-1441—REVISIONS TO NCCI MANUAL RULES RELATED TO THE COVID-19  
(CORONAVIRUS) PANDEMIC

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EXHIBIT 6  
STATISTICAL PLAN—2008 EDITION  
PART 4—LOSS AND EXPENSE INFORMATION  
E. CLAIM COMPONENTS

1. Required Claim Components

f. Classification Code

(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WV)

(2) Additional Classification Code Loss Reporting

Additional classification code reporting rules apply as follows:

**(a) Aircraft Operation Losses**

**For Policies Effective January 1, 2015, and Subsequent:**

For policies that include Classification Code 7421—Aviation—Transportation of Personnel in Conduct of Employer's Business—Flying Crew, report all exposure and any losses for members of the flying crew to Classification Code 7421.

For all other employees covered on the policy, all exposure and any losses are reported to the classification code to which the injured worker's payroll is assigned.

**For Policies Effective Prior to January 1, 2015:**

Losses incurred under the policy—other than to members of the flying crew—must be reported under Statistical Code 9108—Aircraft Operation—Passenger Seat Surcharge.

**(b) Losses Resulting From Black Lung and Supplementary Disease**

Losses resulting from Black Lung and supplementary disease exposure must be reported to the appropriate statistical code.

Refer to Part 1, Item L—Coal Mine and Black Lung Disease Experience for reporting losses resulting from Black Lung disease.

Refer to Part 3, Item F-2-c—Other Miscellaneous Exposures for a listing of supplemental disease statistical codes.

**(c) Contract Medical**

A class code is not required for contract medical claims.

**Note:** Contract medical claims are medical-only claims covered entirely by a medical contract.

**(d) Paid Furloughed Employees**

For any claims attributable to an employee occurring prior to or after a temporary layoff or an involuntary leave, report losses to the classification for work normally performed by the employee that corresponds to the employee's payroll. No claim can be reported to Code 0012—Paid Furloughed Employees.

This rule is effective March 1, 2020. The expiration date of this rule will be December 31, 2020, which may be amended to an earlier or later date as circumstances warrant in consultation with state regulatory authorities.

ITEM B-1441—REVISIONS TO NCCI MANUAL RULES RELATED TO THE COVID-19  
(CORONAVIRUS) PANDEMICEXHIBIT 7  
STATISTICAL PLAN—2008 EDITION  
PART 6—CODING VALUES

(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WV)

## E. STATISTICAL CODES

3. Premium Amount *Not Part* of Standard Premium

Phraseology	Stat Code	Premium Credit (–) or Debit (+)	Applicable States	Effective Date	Discontinued Date	Notes (If Applicable)
Paid Furloughed Employees	0012	N/A	AK, AL, AR, AZ, CO, CT, DC, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WV	03/01/2020	12/31/2020*	Refer to Part 3-F-2—Nonpayroll Exposure for details on Paid Furloughed Employees. Code 0012 may be used as a Statistical Code to report the payments only; or it may be used as a Classification Code to report the payments with a zero rate and zero premium.  *Code 0012 will expire on December 31, 2020, which may be amended to an earlier or later date as circumstances warrant in consultation with state regulatory authorities.



ITEM B-1441—REVISIONS TO NCCI MANUAL RULES RELATED TO THE COVID-19  
(CORONAVIRUS) PANDEMICEXHIBIT 7 (CONT'D)  
STATISTICAL PLAN—2008 EDITION  
PART 6—CODING VALUES(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO,  
MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WV)

Phraseology	Stat Code	Premium Credit (–) or Debit (+)	Applicable States	Effective Date	Discontinued Date	Notes (If Applicable)
<u>Paid Furloughed Employees</u>	<u>0012</u>	<u>N/A</u>	<u>FL</u>	<u>03/01/2020</u>	<u>12/31/2020*</u>	Refer to Part 3-F-2—Nonpayroll Exposure for details on Paid Furloughed Employees. Code 0012 must be displayed on the policy Information Page with a zero rate and zero premium.  *Code 0012 will expire on December 31, 2020, which may be amended to an earlier or later date as circumstances warrant in consultation with the Florida Office of Insurance Regulation.

<b>State:</b>	District of Columbia	<b>Filing Company:</b>	National Council on Compensation Insurance Inc
<b>TOI/Sub-TOI:</b>	16.0 Workers Compensation/16.0004 Standard WC		
<b>Product Name:</b>	B-1441 Revisions to NCCI Manual Rules Related to the COVID-19 (Coronavirus) Pandemic		
<b>Project Name/Number:</b>	/		

## Supporting Document Schedules

<b>Bypassed - Item:</b>	Consulting Authorization
<b>Bypass Reason:</b>	NA
<b>Attachment(s):</b>	
<b>Item Status:</b>	
<b>Status Date:</b>	

<b>Bypassed - Item:</b>	Actuarial Certification (P&C)
<b>Bypass Reason:</b>	NA
<b>Attachment(s):</b>	
<b>Item Status:</b>	
<b>Status Date:</b>	

<b>Bypassed - Item:</b>	District of Columbia and Countrywide Experience for the Last 5 Years (P&C)
<b>Bypass Reason:</b>	NA
<b>Attachment(s):</b>	
<b>Item Status:</b>	
<b>Status Date:</b>	

<b>Bypassed - Item:</b>	District of Columbia and Countrywide Loss Ratio Analysis (P&C)
<b>Bypass Reason:</b>	NA
<b>Attachment(s):</b>	
<b>Item Status:</b>	
<b>Status Date:</b>	

<b>Satisfied - Item:</b>	B-1441 Filing Memo
<b>Comments:</b>	
<b>Attachment(s):</b>	B-1441 Memorandum.pdf
<b>Item Status:</b>	
<b>Status Date:</b>	

## FILING MEMORANDUM

### ITEM B-1441—REVISIONS TO NCCI MANUAL RULES RELATED TO THE COVID-19 (CORONAVIRUS) PANDEMIC

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#### PURPOSE

This item revises and establishes rules related to:

- Definitions, treatment, and reporting of payments by an employer to paid furloughed employees as a result of federal, state, and/or local emergency orders, laws or regulations, issued due to the COVID-19 (coronavirus) pandemic which impact an employer's staffing or business operations
- Any claims attributable to paid furloughed employees
- Reporting final premium for employers affected by the COVID-19 pandemic

The following NCCI manuals are impacted by these rule changes:

- ***Basic Manual for Workers Compensation and Employers Liability Insurance (Basic Manual)***
- ***Statistical Plan for Workers Compensation and Employers Liability Insurance (Statistical Plan)***

#### BACKGROUND

The World Health Organization categorized the COVID-19 outbreak as a pandemic when the rates of infection continued to rise in many locations around the world and across the United States.

The President of the United States declared the COVID-19 outbreak a national emergency beginning March 1, 2020. The effective date of these rule revisions coincides with the President's declaration date. The expiration date of these rule revisions will be December 31, 2020, which may be amended to an earlier or later date as circumstances warrant in consultation with state regulatory authorities.

The COVID-19 pandemic has created unique workers compensation conditions that need to be addressed within NCCI manuals. As a result, NCCI has determined that it is necessary to take the following actions:

- An additional rule must be established in ***Basic Manual*** Rule 2-B-2
- ***Basic Manual*** Rule 2-F-1 must be revised
- An additional rule must be established in ***Basic Manual*** Rule 2-F—Wages for Time Not Worked
- An additional rule must be established in ***Statistical Plan*** Part 3-F-2
- An additional rule must be established in ***Statistical Plan*** Part 3-F-3
- An additional rule must be established in ***Statistical Plan*** Part 4-E-1-f(2)
- New Statistical Code 0012—Paid Furloughed Employees must be established in ***Statistical Plan*** Part 6-E-3

#### PROPOSAL

This item proposes to:

1. Establish ***Basic Manual*** Rule 2-B-2-n to add information stating that payments to paid furloughed employees are excluded from premium calculations
2. Revise ***Basic Manual*** Rule 2-F-1 to add a definition for idle time
3. Establish ***Basic Manual*** Rule 2-F-3 to define and address payments to paid furloughed employees

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4. Establish Part 3-F-2-d in NCCI's **Statistical Plan** to add information about reporting payments and zero rate/premium if applicable for payments made to paid furloughed employees to Statistical Code 0012—Paid Furloughed Employees
5. Revise the format of **Statistical Plan** Part 3-F and add Part 3-F-3 to address instances when final premium cannot be reported due to the COVID-19 pandemic
6. Establish Part 4-E-1-f(2)(d) in NCCI's **Statistical Plan** to address that no claims can be reported to Statistical Code 0012
7. Establish Statistical Code 0012 in Part 6-E-3 in NCCI's **Statistical Plan** for reporting payments made to paid furloughed employees

IMPACT

As a result of this item, it is expected that exposure will shift from various classification codes to Code 0012. The extent of this shift is unknown at this time because it will depend on the nature of the individual employer's business and reporting by carriers. To this extent, the premiums of individual employers could decrease based on the payments made to paid furloughed employees.

EXHIBIT COMMENTS AND IMPLEMENTATION SUMMARY

Exhibit	Exhibit Comments	Implementation Summary
National Exhibits		
1	<ul style="list-style-type: none"><li>Details the establishment of Rule 2-B-2-n in NCCI's <b>Basic Manual</b></li><li>Applies in all states except Florida; refer to state exhibit for Florida</li><li>All state exceptions will continue to apply unless otherwise noted in the state-specific exhibits</li></ul>	<ul style="list-style-type: none"><li>In all states except Hawaii, this item is to become effective for new, renewal, and outstanding policies effective on and after 12:01 a.m. on March 1, 2020</li><li>In Hawaii, the effective date is determined upon regulatory approval of the individual carrier's election to adopt this change</li></ul>
2	<ul style="list-style-type: none"><li>Details the revisions to Rule 2-F-1 in NCCI's <b>Basic Manual</b></li><li>Applies in all states except Florida; refer to state exhibit for Florida</li></ul>	

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Exhibit	Exhibit Comments	Implementation Summary
<b>National Exhibits</b>		
3	<ul style="list-style-type: none"> <li>Details the establishment of Rule 2-F-3 in NCCI's <b>Basic Manual</b></li> <li>Applies in all states except Florida; refer to state exhibit for Florida</li> </ul>	<ul style="list-style-type: none"> <li>In all states except Hawaii, this item is to become effective for new, renewal, and outstanding policies effective on and after 12:01 a.m. on March 1, 2020</li> <li>In Hawaii, the effective date is determined upon regulatory approval of the individual carrier's election to adopt this change</li> </ul>
4	Details the establishment of Part 3-F-2-d in NCCI's <b>Statistical Plan</b> .	
5	Details the revisions to Part 3-F and the establishment of Part 3-F-3-c in NCCI's <b>Statistical Plan</b> .	
6	Details the establishment of Part 4-E-1-f(2)(d) in NCCI's <b>Statistical Plan</b> .	
7	Details the establishment of Statistical Code 0012 in Part 6-E-3 in NCCI's <b>Statistical Plan</b> .	
<b>State Exhibits</b>		
8	Details the revisions to Alaska's exception to <b>Statistical Plan</b> Part 3-F-3.*	To become effective for new, renewal, and outstanding policies effective on and after 12:01 a.m. on March 1, 2020.
8	Details the revision to Arkansas' exception to <b>Basic Manual</b> Rule 2-B-2.*	
8	Details the revision to Connecticut's exception to <b>Statistical Plan</b> Part 3-F-2.*	
8	Details the revisions to Florida's exception to <b>Basic Manual</b> Rule 2-B-2.	
9	Details the establishment of Florida's exception to Rule 2-F-1 in NCCI's <b>Basic Manual</b> .	
10	Details the establishment of Florida's exception to Rule 2-F-3 in NCCI's <b>Basic Manual</b> .	
8	Details the revision to Illinois' exception to <b>Basic Manual</b> Rule 2-B-2.*	
8	Details the revision to Indiana's exception to <b>Basic Manual</b> Rule 2-B-2.*	
9	Details the revisions to Indiana's exception to <b>Statistical Plan</b> Part 3-F-3.*	
8	Details the revision to Kansas's exception to <b>Basic Manual</b> Rule 2-B-2.*	

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Exhibit	Exhibit Comments	Implementation Summary
<b>State Exhibits</b>		
9	Details the revision to Kansas's exception to <b>Statistical Plan</b> Part 3-F-2.*	To become effective for new, renewal, and outstanding policies effective on and after 12:01 a.m. on March 1, 2020.
8	Details the revision to Kentucky's exception to <b>Basic Manual</b> Rule 2-B-2.*	
8	Details the revision to Louisiana's exception to <b>Basic Manual</b> Rule 2-B-2.*	
8	Details the revision to Maryland's exception to <b>Basic Manual</b> Rule 2-B-2.*	
8	Details the revision to Montana's exception to <b>Statistical Plan</b> Part 3-F-2.*	
9	Details the revision to Montana's exception to <b>Statistical Plan</b> Part 4-E-1-f(2).*	
8	Details the revision to New Hampshire's exception to <b>Statistical Plan</b> Part 3-F-2.*	
9	Details the revision to New Hampshire's exception to <b>Statistical Plan</b> Part 4-E-1-f(2).*	
8	Details the revision to New Mexico's exception to <b>Basic Manual</b> Rule 2-B-2.*	
8	Details the revision to Oklahoma's exception to <b>Basic Manual</b> Rule 2-B-2.*	
8	Details the revisions to Oregon's exception to <b>Basic Manual</b> Rule 2-B-2.*	
9	Details the establishment of Oregon's exception to Part 3-F-3-c in NCCI's <b>Statistical Plan</b> .	
8	Details the revision to South Dakota's exception to <b>Basic Manual</b> Rule 2-B-2.*	
8	Details the revision to Tennessee's exception to <b>Basic Manual</b> Rule 2-B-2.*	

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Exhibit	Exhibit Comments	Implementation Summary
State Exhibits		
8	Details the revisions to Texas's exception to <b><i>Statistical Plan</i></b> Part 3-F-3.*	To become effective for new, renewal, and outstanding policies effective on and after 12:01 a.m. on March 1, 2020.
8	Details the revision to Utah's exception to <b><i>Basic Manual</i></b> Rule 2-B-2.*	

\* This exhibit is included only to adjust numbering due to reformatting.

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